IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 445 of 2004

Between:

Smt Jessy Thomas, W/o Mr.Thomas George,
R/o Plot No.50, G.V.Reddy Colony, Alwal, Secunderabad.

..... PETITIONER

AND

1 The Union of India, Ministry of Law represented by its Secretary,

Shastri Bhavan, New Delhi.
2 Corporation Bank represented by its Branch Manager, D.No.1-2-235,

G & H, Parklane, M.G.Road, Post Box No.1546, Secunderabad, A.P.

.....RESPONDENTS)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, or Direction more particularly one in the nature of Writ of Mandamus declaring the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002, more particularly Section 13(2) and 13(4) as invalid and violative of the rights of the petitioner guaranteed under the Constitution of India and consequently declare the notice dated 9-4-2003 issued by the second respondent under Section 13(2) of the Act as arbitrary, violative of Principles of Natural Justice and Article 14 and 300A of Constitution of India.

Counsel for the Petitioner:MR.P VENKAT REDDY

Counsel for the Respondent No.1: Mr.A.Rajasekhar Reddy, SC for Central

Government.

Counsel for the Respondent No.2: Mr.C.Ramachander Rao

The Court made the following :

ORAL ORDER: (per Hon'ble Sri Devinder Gupta, the Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ.

20-12-2004

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M.NARAYANA REDDY, J

Tvr

To

1 The Secretary, Union of India, Ministry of Law, Shastri Bhavan, New

Delhi.
2 The Branch Manager, Corporation Bank D.No.1-2-235,

G & H, Parklane, M.G.Road, Post Box No.1546, Secunderabad, A.P.

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